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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,845

11/19/2003

Farni Weaver

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09/09/2005

EXAMINER

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ART UNIT

PAPER NUMBER

2683

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,845

Applicant(s)

WEAVER ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-29 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/3/02 and 12/19/02 have been considered by the examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 5-7, 9-12, 14-17, 22-26, 28, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Poulin (US 2002/0115453).**

As to claim 1, Poulin teaches a method for location-based conferencing (figure 3 and paragraph 0022, 0024, 0025) comprising:

receiving from a user a request to initiate a media session, wherein the request defines a target group having members;

selecting members of the target group that are located in a given zone; and

initiating the media session between the user and the selected members.

As to claim 2, Poulin teaches the method of claim 1, wherein the request identifies the user, and wherein the method further comprises:

determining a location of the user; and

establishing the given zone based on the location of the user (paragraph 0024, 0025).

As to claim 3, Poulin teaches the method of claim 1, wherein the given zone is an area extending a predefined distance from the user (paragraph 0024, 0025).

As to claim 5, Poulin teaches the method of claim 1, wherein the request includes information indicative of the given zone (paragraph 0024, 0025).

As to claim 6, Poulin teaches the method of claim 5, wherein the information indicative of the given zone comprises geographic coordinates that define the given zone (paragraph 0024, 0025).

As to claim 7, Poulin teaches the method of claim 6, wherein the given zone comprises an area extending out by a predefined radius from the geographic coordinates (paragraph 0056).

As to claim 9, Poulin teaches the method of claim 1, wherein the media session is a real-time media conference (paragraph 0054).

As to claim 10, Poulin teaches the method of claim 1, wherein the target group is defined by a buddy list established by the user (paragraph 0022).

As to claim 11, Poulin teaches the method of claim 1, wherein the request defines the target group at least in part by defining an identifier of the user, and wherein the method further comprises:

looking up the target group based on the identifier of the user (paragraph 0022).

As to claim 12, Poulin teaches the method of claim 1, wherein the given zone is selected from the group consisting of a municipality and a cellular coverage area (paragraph 0025).

As to claim 14, Poulin teaches the method of claim 1, wherein selecting members of the target group that are located in the given zone comprises:

determining respective locations of the members of the target group and based on the respective locations, determining which members of the target group are located within the given zone (paragraph 0056-0058).

As to claim 15, Poulin teaches the method of claim 14, wherein based on the respective locations, determining which members of the target group are location within the given zone comprises:

determining which of the respective locations are within a predefined distance of the user (paragraph 0056-0058).

As to claim 16, Poulin teaches the method of claim 14, wherein based on the respective locations, determining which members of the target group are located within the given zone comprises:

determining which members of the target group are located within a wireless service area in which the user is also located (paragraph 0056-0058).

As to claim 17, Poulin teaches the method of claim 14, further comprising, based on the respective locations, establishing a list of the members of the target group (paragraph 0056-0058).

As to claim 22, Poulin teaches the method of claim 1, further comprising selecting the given zone (paragraph 0024).

As to claim 23, Poulin teaches the method of claim 1, further comprising selecting a given area and establishing the given zone to be all areas excluding the given area (paragraph 0025).

As to claim 24, Poulin teaches the method of claim 1, wherein receiving from the user the request comprises receiving via a communication path comprising an air interface (figure 3).

As to claim 25, Poulin teaches the method of claim 1, wherein receiving from the user the request comprises receiving the request from a client station (figure 3).

As to claim 26, the claim is a computer software claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 28, the claim is a computer software claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 29, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulin.

As to claim 4, Poulin teaches the method of claim 1, wherein the given zone is an area extending a predefined distance, Poulin fails to teach a distance above or below the user. However, the examiner takes Official Notice that the recited limitation is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of recited limitation into the system of Poulin in order to enhance the system performance of the location based wireless communication service.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poulin in view of Maggenti (US).

As to claim 8, Poulin teaches the method of claim 1, Poulin fails to teach the media session is a push-to-talk media session. Maggenti teaches the media session is a push-to-talk media session (paragraph 007, 008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

the teaching of Maggentti into the system of Poulin in order to use include workgroup communication, security communication.

5. Claims 13, 18, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulin in view of Hendrey (US 2002/0107008).

As to claim 13, Poulin teaches the method of claim 1, wherein selecting members of the target group that are located in the given zone comprises determining respective locations of the members of the target group determining a location of the user. Poulin fails to teach computing a distance between each member of the target group and the user and determining which members of the target group are located closest or furthest from the user. Hendrey teaches computing a distance between each member of the target group and the user and determining which members of the target group are located closest or furthest from the user (figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maggentti into the system of Poulin in order to connect between caller and current potential callee.

As to claim 18, the combination of Poulin and Hendrey teaches method of claim 17, wherein establishing the list of the members of the target group comprises determining a location of the user and ranking the members of the target group in the list based on respective distances between the respective locations and the location of the user (Hendrey paragraph 0050, 0051).

As to claim 20, the combination of Poulin and Hendrey teaches the method of claim 1, further comprising initiating a conference call (Maggenti paragraph 129).

the combination of Poulin and Hendrey teaches the method of claim 1, further comprising participating in a conference call with the selected members (Maggenti paragraph 129).

As to claim 20, the combination of Poulin and Hendrey teaches the

As to claim 27, the claim is a computer software claim of claim 13; therefore, the claim is interpreted and rejected as set forth as claim 13.

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 19, the teaching of above prior arts either alone or in combination fails to teach selecting members of the target group that are located in the given zone comprises selecting members of the target group that are at a beginning of the list.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Jenkins et al (US 6,681,107) teaches system and method of accessing and recording messages at coordinate way points.

B. Portman et al (US 2002/01600766) teaches location-based service.

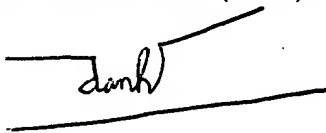
C. Hendry et al (US 2003/0060214) teaches system and method for initiating responses to location-based events.

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in dark ink, appearing to read 'danh', is written over a horizontal line. A second horizontal line is drawn below the signature.

September 5, 2005.

DANH CONG LE
PATENT EXAMINER